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REMARKS

Claims 1-7 and 9-21 are pending in the application. Claims 1-7 and 9-21 are rejected. The Examiner's rejections are addressed below in substantially the same order as in the office action.

OBJECTIONS TO THE SPECIFICATION

The Examiner has objected to the an informality regarding the use of trademarks, citing LD781.36 from EXXON® Chemicals; CF25K from BAKER® PETROLITE; and LUBRIZOL™ 8202. The specification has been amended as suggested by the Examiner, both putting the above terms in caps, and, in the case of EXXON, PETROLITE, and LUBRIZOL, indicating that these marks have been registered using the ® symbol. In the case of Baker, this term when used by itself does not appear to be presently registered. Where these terms have been used simply as a company name, they have been left with a first initial cap but not completely capitalized to indicate that the use is for a company name and not as a trademark. The Applicants respectfully assert that the application is in condition for allowance.

REJECTIONS UNDER 35 USC § 112

The Examiner has maintained the rejection of Claims 1-7 and 9-21 under 35 USC 112, first paragraph, because it is the Examiner's position that the specification, while being enabling for ethylene vinyl acetate (EVA) copolymers, does not reasonably provide enablement for modified EVA copolymers and that a person of ordinary skill in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

The Applicants respectfully traverse the Examiner's rejection. As shown in the prior response, the term "modified" has a specific meaning within the art, namely a polymer in which some of the substituent radicals have been replaced. The term

"modified eva" is a term coined by Exxon Corporation. It is the belief of the Applicants that the modified eva's being marketed by Exxon Corporation are likely to be within the scope of eva polymers. Unfortunately, since the Applicants cannot make this inquiry, they must assume that there is at least a possibility that a change has been made to the polymer that might take it outside of the scope of the meaning of eva polymers, especially if Exxon is successful in getting this term adopted as a term of art.

In view of the fact that the Applicants are aware of the fact that Exxon is marketing the modified eva polymers and that "modified eva polymers" has a meaning in the art as already set forth, the Applicants respectfully assert that one of ordinary skill in the art, upon seeing the term "modified eva polymers" would know that the term means:

- 1) a composition being marketed as a modified eva polymer; and
- 2) a polymer in which some of the substituent radicals have been replaced.

It follows then, that this term and therefore the claims are enabling to extent set forth. The applicants respectfully assert that the claims are now allowable in regard to this rejection.

The Examiner has rejected to several claims under 35 USC 112, first paragraph, because it is the Examiner's position that the specification, while being enabling for a paraffin inhibitor composition having a solvent system containing toluene with either cyclohexane, cyclopentane or decalin, does not reasonably provide enablement for a composition having any other solvent system involving a "weak to moderate wax solvent" or a "strong wax solvent" because the terms are indefinite. The claims have been amended to exclude these terms and use instead a listing of specific solvents. The Applicants respectfully assert that the claims are now in condition for allowance regarding this issue.

REJECTIONS UNDER 35 USC § 102

Claims 1-7 and 9-21 stand rejected under 35 USC § 102(b) as being

anticipated by Scheffel (US 3,840,352) hereinafter 'Scheffel'. The Examiner asserts that "Scheffel discloses that the hydrocarbon solvent component used with Scheffel can be any mixture of liquid hydrocarbon containing a substantial proportion of liquid cyclic hydrocarbons compounds (at least about 20 weight percent, preferably at least about 50 weight percent, more preferably at least about 70 weight percent). The Examiner notes that the cyclic hydrocarbons can be either aromatic or saturated, such as benzene, toluene, xylene, cyclopentane, cyclohexane or any of the various alkyl or polyalkyl cyclohexanes and that the preferred solvents disclosed by Scheffel are benzene, toluene, xylene, naphtha, kerosene and diperitene.

The Claims of the present invention are not anticipated by Scheffel. The reference does not disclose the use of the specific binary solvents mixtures claimed in the present application. The synergistic combination of two solvents, 1 from each group as claimed, is clearly not disclosed.

Scheffel clearly did not favor binary solvents as the examples show the use of toluene (1-13); an aromatic oil (14-22); reformed naphtha (23-31); dipentene (32), an aromatic hydrocarbon (33); toluene (34); and an aromatic oil (35). Since Shceffel did not disclose an actual combination of two solvents, one from each of the claimed groups, the present claims are neither inherent nor anticipated. The claims are in condition for allowance in view of this rejection.

Claims 1, 9-15 and 18-20 stand rejected under 35 USC § 102(b) as being anticipated by either Robinson et al. (US App. No. 2002/0166995) hereinafter 'Robinson' and Fischer et al. (US 3,682,249) hereinafter 'Fischer'. It is the Examiner's position that Robinson discloses a composition for reducing wax comprising a polymeric wax inhibitor in a solvent system containing 5-90% aliphatic glycol and 0-75% aromatic co-solvent and that Fischer discloses a method for inhibiting (he deposition of wax from wax- containing soluble oils by injecting to the oil/formation a composition of a wax deposition inhibitor, such as an ethylene/ester copolymer in a

hydrocarbon solvent, such as naphtha.

The claims, as amended, now are clearly outside of the scope of these references. Neither reference teaches nor discloses the synergistic combination of solvents as is found in the claims of the present application. The Applicants respectfully assert that the claims are now in condition for allowance in view of this rejection.

Claims 1-8 and 12-21 are rejected under 35 USC § 102(e) as being anticipated by Krull et al. (US 6,593,426). It is the Examiner's position that this reference teaches using the claimed polymers in complex solvents such as naphtha and in solvent mixtures which includes both components of the solvent groups claimed by the Applicant.

The subject claims are not anticipated by the Krull reference. Claim 1 has been amended to use a "consisting essentially of" transition thus limiting the solvents to those listed and only insignificant amounts of other solvents that would not materially affect the properties of the claimed composition. The term strong and weak have been replaced with two group of specific solvents. Clearly, naphtha and the other complex solvents include other compounds which are outside the scope of the claims as now amended and which, if present, would materially affect the properties of the claimed composition.

Further, as the Examiner made clear in the commentary regarding the prior arguments, the compounds that are included as solvents in the present application have been specified. The combination of the current amendment and the prior transition amendment clearly take the claims outside of the scope of the disclosure in Krull. Further, Krull does not disclose an actual preparation. In the examples of Krull, the only solvents used are Kerosone (kerosene?) or Shellsol AB. The Krull reference does not disclose nor recognize the synergistic combination of solvents of the present application. The Applicant respectfully asserts that the subject claims are in condition

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for allowance in view of the Krull reference.

REJECTIONS UNDER 35 USC § 103

Claims 9-11 stand rejected under 35 USC § 103(a) as being unpatentable over Krull in view of Scheffel. It is the Examiner's position that it would have been obvious to a person of ordinary skill in the art at the time that the claimed invention was made to use a solvent system mixture comprising, e.g., toluene and cyclohexane in the percent weight ratios disclosed by Scheffel, as the solvent component in Kiulls paraffin inhibitor composition.

The Claims of the present invention are not obvious in view of the combination of Krull and Scheffel. Neither reference recognizes nor teaches the synergistic advantage of pour point depression of the binary solvents as presently claimed in the currently amended Claim 1. One of ordinary skill in the art would not have been motivated to have experimented with the claimed solvent combinations of the these references. The Applicants respectfully assert that the claims as amended are now in condition for allowance.

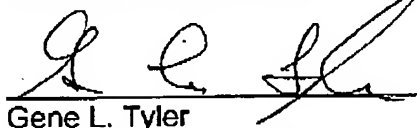
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CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0429 (194-28620-US)

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner John J. Figueroa, facsimile no. (571) 273-8300, on this 22nd day of November, 2006.


Gene L. Tyler